

### **About this notice**

*Nursing home employers are required to provide notice informing nursing home workers of the rights and obligations provided under the Nursing Home Workforce Standards Board Act or established by the Nursing Home Workforce Standards Board (board). A nursing home employer must provide notice using the same means the nursing home employer uses to provide other legally required work-related notices to nursing home workers. For instance, if an employer typically emails a notice of similar importance, this notice will need to be sent in an email message to all workers who fall under the act.*

*The minimum a nursing home employer must do is one of the following.*

- 1. Post a copy of the notice at each site where nursing home workers work and in a location where the notice is readily seen and reviewed by nursing home workers working at the site, and take steps to ensure the notice is not altered, defaced or covered by other materials.*
- 2. Provide a paper or electronic copy of the notice to all nursing home workers and applicants for employment as a nursing home worker.*

*Under the act, “nursing home worker” means any worker who provides services in a nursing home in Minnesota, including direct care staff, non-direct care staff and contractors, but excluding administrative staff, medical directors, nursing directors, physicians and individuals employed by a supplemental nursing services agency.*

## **Holiday pay minimum standards for nursing home workers**

Minnesota Rules 5200.2000 through 5200.2010 determine nursing home workers who work on 11 state holidays are paid at least time and a half their regular hourly wage for all hours worked during a holiday.

The 11 state holidays are:

- New Year’s Day, Jan. 1;
- Martin Luther King Jr. Day, the third Monday in January;
- Washington’s and Lincoln’s Birthday, the third Monday in February;
- Memorial Day, the last Monday in May;
- Juneteenth, June 19;
- Independence Day, July 4;
- Labor Day, the first Monday in September;
- Indigenous Peoples Day, the second Monday in October;
- Veterans Day, Nov. 11;
- Thanksgiving Day, the fourth Thursday in November; and
- Christmas Day, Dec. 25.

Each holiday begins at midnight and lasts 24 hours, ending at the next midnight.

Up to four holidays from the list may be exchanged for alternative days if a majority of affected workers, or their exclusive representative if the workers are part of a union, agree with the employer to do so. The start and stop times of the holidays may also be modified if a majority of affected workers (or their representative) agree with the employer to do so.

## Additional information for nursing home workers

- A. It is unlawful for a nursing home employer to discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against a nursing home worker because the person has exercised or attempted to: exercise rights granted under the Nursing Home Workforce Standards Board Act; participated in any process or proceeding under the act, including but not limited to board hearings, board or department investigations or other related proceedings; or attended or participated in training under Minnesota Statutes section 181.214.
- B. It is unlawful for a nursing home employer to:
  - 1) inform another employer a nursing home worker or former nursing home worker has engaged in activities protected under the act; or
  - 2) report or threaten to report the actual or suspected citizenship or immigration status of a nursing home worker, former nursing home worker or family member of a nursing home worker to a federal, state or local agency for exercising or attempting to exercise any right protected under the act.
- C. A nursing home worker found to have experienced retaliation is entitled to back pay and reinstatement to the worker's previous position, wages, benefits, hours and other conditions of employment.
- D. A nursing home worker may individually or as part of a class action bring a civil action against a nursing home employer in district court for violations of the act or of any applicable minimum nursing home employment standards or local minimum nursing home employment standards. The civil action must be filed in the district court of the county where the violation or violations are alleged to have been committed or where the nursing home employer resides, or in any other court of competent jurisdiction.
- E. In an action against nursing home employers for violations of the act, nursing home workers may seek damages and other appropriate relief provided by Minn. Stat. section 177.27, subdivision 7, or otherwise provided by law, including reasonable costs, disbursements, witness fees and attorney fees. A court may also issue an order requiring compliance with the act or with the applicable minimum nursing home employment standards or local minimum nursing home employment standards.
- F. An agreement between a nursing home employer and nursing home worker or labor union that fails to meet the minimum standards and requirements under Minn. R. 5200.2000 through 5200.2050 and the act is not a defense to an action brought under the act.
- G. A nursing home worker seeking information or assistance may contact the Department of Labor and Industry at for further information regarding their rights, protections and obligations. Contact information for the Department of Labor and Industry must be included in the notice. To contact the Department of Labor and Industry, either email [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us) or call 651-284-5075.
- H. Nursing home workers are required to attend training regarding their rights and obligations under the act. The training must, at a minimum, cover the following topics:
  - 1) applicable compensation and working conditions standards;
  - 2) anti-retaliation protections in place;
  - 3) information about how to enforce the rights and protections under Minn. R. 5200.2000 through 5200.2050 and the act and how to report violations, and the remedies available for violations of those rights, protections and standards;
  - 4) contact information for the Department of Labor and Industry, the board and any local enforcement agencies;
  - 5) the purposes and functions of the board and information about coming hearings, investigations or other opportunities for nursing home workers to become involved in board proceedings;

- 6) other rights, duties and obligations under the act;
  - 7) any updated standards or changes to the information provided since the most recent training session;
  - 8) any other information appropriate to facilitate compliance with the act; and
  - 9) information about labor standards in other applicable local, state and federal laws, rules and ordinances regarding nursing home working conditions or nursing home worker health and safety.
- I. A nursing home employer must compensate its nursing home workers for training completed as required by law and reimburse any reasonable travel expenses associated with attending training sessions not held on the premises of the nursing home.
  - J. The nursing home employer shall provide the notices required under this part in the chosen language of a nursing home worker upon the nursing home worker's request.